1. AMENDMENT

1.1 IN THE CLAIMS:

1. (Currently Amended) An isolated mammalian $p33^{QIK}$ or $p63^{Krs1}$ peptide of from ~~14~~ 16 to about 70 amino acids in length, said peptide comprising the contiguous amino acid sequence of any one of SEQ ID NO:3 through SEQ ID NO:76, wherein said peptide specifically binds to a Krs1-NC antibody.

2. (Currently Amended) The isolated mammalian $p33^{QIK}$ or $p63^{Krs1}$ peptide of claim 1, said peptide consisting essentially of the contiguous amino acid sequence of any one of SEQ ID NO:3 through SEQ ID NO:76.

3. (Currently Amended) An isolated mammalian $p33^{QIK}$ or $p63^{Krs1}$ peptide of from ~~14~~16 to about 50 amino acids in length, said peptide comprising the contiguous amino acid sequence of any one of SEQ ID NO:3 through SEQ ID NO:55 or any one of SEQ ID NO:58 through SEQ ID NO:76, wherein said peptide specifically binds to a Krs1-NC antibody.

4. (Currently Amended) An isolated mammalian $p33^{QIK}$ or $p63^{Krs1}$ peptide of from ~~14~~16 to about 40 amino acids in length, said peptide comprising the contiguous amino acid sequence of any one of SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:15 through SEQ ID NO:52, SEQ ID NO:58 through SEQ ID NO:67, or SEQ ID NO:74 through SEQ ID NO:76, wherein said peptide specifically binds to a Krs1-NC antibody.

5. (Currently Amended) An isolated mammalian $p33^{QIK}$ or $p63^{Krs1}$ peptide of from ~~14~~16 to about 30 amino acids in length, said peptide comprising the contiguous amino acid

sequence of any one of SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:25 through SEQ ID NO:50, or SEQ ID NO:74 through SEQ ID NO:76, wherein said peptide specifically binds to a Krs1-NC antibody.

6. (Currently Amended) An isolated mammalian $p33^{QIK}$ or $p63^{Krs1}$ peptide of from ~~1~~416 to about 20 amino acids in length, said peptide comprising the amino acid sequence of any one of SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:46, SEQ ID NO:47, SEQ ID NO:48, SEQ ID NO:49 or ~~through~~ SEQ ID NO:50, wherein said peptide specifically binds to a Krs1-NC antibody.

7. (Currently Amended) The isolated mammalian $p33^{QIK}$ or $p63^{Krs1}$ peptide of claim 1, wherein said peptide ~~comprising~~ comprises the contiguous amino acid sequence of SEQ ID NO:3, SEQ ID NO:4, or SEQ ID NO:5.

8. (Cancelled)

9. (Currently Amended) An isolated peptide consisting of the amino acid sequence of any one of SEQ ID NO:3 through SEQ ID NO:~~36~~76.

10.-11. (Canceled)

12. (Previously Presented) An isolated polypeptide consisting of the amino acid sequence from position 1 to position 322 of SEQ ID NO:2.

13.-31. (Canceled)

32.-41. (Canceled)

42. (Currently Amended) A composition comprising: the isolated peptide of claim ~~1~~9, or the polypeptide of claim 12.

43. (Previously Presented) The composition of claim 42, further comprising at least one pharmaceutically-acceptable excipient.

44. (Previously Presented) The composition of claim 42, further comprising at least one immunostimulant or at least one adjuvant.

45. (Previously Presented) The composition of claim 44, wherein said at least one immunostimulant or said at least one adjuvant is selected from the group consisting of a cytokine, a microsphere, Ribi Adjuvant, saponin, a microfluidized adjuvant, an immune stimulating complex, and an inactivated toxin.

46. (Previously Presented) The composition of claim 42, wherein said composition is formulated for parenteral, intravenous, intraperitoneal, subcutaneous, intranasal, transdermal, or oral administration to an animal.

47. (Previously Presented) The composition of claim 42, further comprising at least one detection reagent.

48. (Previously Presented) The composition of claim 47, wherein said detection reagent comprises a radiolabel, a spin label, or a fluorogenic, chromogenic, or a chemiluminescent label.

49. (Previously Presented) The composition of claim 48, wherein said at least one detection reagent specifically binds to (a) a $p33^{QIK}$ peptide or polypeptide; (b) a $p63^{Krs1}$ peptide or polypeptide, (c) an antibody or an antigen binding fragment specific for a $p33^{QIK}$ peptide or polypeptide, or (d) an antibody or an antigen binding fragment specific for a $p63^{Krs1}$ peptide or polypeptide.

50. (Currently Amended) A kit comprising: (a) the isolated peptide of claim ~~1~~9, or the isolated polypeptide of claim 12~~, or an antibody or an antigen binding fragment specific for either the isolated peptide of claim 1 or the isolated polypeptide of claim 12~~; and (b) instructions for using said kit.

51. (Previously Presented) The kit of claim 50, wherein said kit comprises at least one component for performing immunoprecipitation, a dot blot, an ELISA, an RIA, or a Western blot.

52. (Previously Presented) The kit of claim 50, wherein said kit comprises at least one component for immunoprecipitating an antibody or an antigen binding fragment specific for a $p33^{QIK}$ peptide or polypeptide or a $p63^{Krs1}$ peptide or polypeptide from a sample.

53.-60. (Canceled)

61. (Currently Amended) The isolated peptide of claim ~~60~~9, said peptide consisting of the amino acid sequence of SEQ ID NO:3.

62. (Currently Amended) The isolated peptide of claim ~~60~~9, said peptide consisting of the amino acid sequence of SEQ ID NO:4.

63. (Currently Amended) The isolated peptide of claim ~~60~~9, said peptide consisting of the amino acid sequence of any one of SEQ ID NO:5 through SEQ ID NO:36.

64.-75. (Canceled)

Please add the following new claims:

76. (New) A fusion polypeptide comprising the isolated peptide of claim 9 or the isolated polypeptide of claim 12.

77. The fusion polypeptide of claim 76, comprising an immunogenic peptide, a peptide linker, an affinity tag, or an expression enhancer.

78. A composition comprising a fusion polypeptide that comprises the isolated peptide of claim 9, or the isolated polypeptide of claim 12.

79. (New) A fusion polypeptide comprising the isolated mammalian $p33^{QIK}$ or $p63^{Krs1}$ peptide of claim 1 or claim 3.

80. (New) A fusion polypeptide comprising the isolated mammalian $p33^{QIK}$ or $p63^{Krs1}$ peptide of claim 4 or claim 5.

81. (New) A fusion polypeptide comprising the isolated mammalian $p33^{QIK}$ or $p63^{Krs1}$ peptide of claim 6.

82. The fusion polypeptide of any one of claims 79 to 81, comprising an immunogenic peptide, a peptide linker, an affinity tag, or an expression enhancer.

83. A composition comprising a fusion polypeptide that comprises the isolated mammalian $p33^{QIK}$ or $p63^{Krs1}$ peptide of claim 1, claim 3, claim 4, claim 5, or claim 6.

2. RESPONSE

2.1 STATUS OF THE CLAIMS

Claims 1-9, 12, 32-37, 42-52 and 61-75 were pending at the time of the Action.

Claims 8, 32-37, and 64-75 were cancelled herein without prejudice and without disclaimer.

Claims 1-7, 9, 42, 50, and 61-63 were amended herein.

Claims 76- 83 were added herein.

Claims 1-7, 9, 12, 42-52, 61-63, and 76-83 are pending in the case.

Applicant certifies that no new matter is introduced by the present amendment. Specific written support for newly added claims 76-83 can be found throughout the specification, and particularly in the section describing fusion proteins on pages 45-47.

2.2 THE REJECTION OF CLAIMS 1-8, 32-37, 42-52, 64-65 AND 6-75 UNDER 35 U. S. C. § 112, 2ND PARAGRAPH, HAS BEEN OVERCOME.

The claims remain rejected under 35 U.S.C. 112, 2nd paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, particularly for using the words "about" and "at least" in the claims.

Applicant again respectfully traverses and notes that the rejection is at odds with long-established examination practice and case law and is therefore unsustainable.

2.2.1 TERMS OF DEGREE DO NOT AUTOMATICALLY RENDER A CLAIM INDEFINITE.

M. P. E. P. §2173, which concerns the criteria for assessing compliance with 35 U. S. C. § 112, 2nd paragraph, provides that Applicant(s) can "define in the claims what they regard as their invention essentially in whatever terms they choose so long as the terms are not

used in ways that are contrary to accepted meanings in the art" (M. P. E. P. §2173.01, at page 2100-145, column 2).

M. P. E. P. §2173.05(b) specifically states that "the fact that claim language, including terms of degree, may not be precise, does not automatically render the claim indefinite under 35 U.S. C. 112, second paragraph. *Seattle Box Co. v. Industrial Crating & Packing, Inc.*, 731 F.2d 818, 221 USPQ 568 (Fed. Cir. 1984)"

2.2.2 THE TERM "ABOUT" IS DEFINITE

M. P. E. P. §2173.05(b)(A) specifically states that "the term "about" used to define the area of the lower end of a mold as between 25 to about 45% of the mold entrance was held to be clear, but flexible. *Ex parte Eastwood* 163 USPQ 316 (Bd. App. 1968).""

That section of the Guidelines further states: "Similarly, in *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), the court held that a limitation defining the stretch rate of a plastic as "exceeding about 10% per second" is definite because infringement could clearly be assessed through the use of a stopwatch."

Only when there is evidence of close prior art (which in this case, there is none) has the court held that claims reciting "at least about" were invalid where there "was nothing in the specification, prosecution history, or the prior art to provide any indication as to what range of specific activity is covered by the term "about." *Amgen, Inc. v. Chugai Pharmaceutical Co.*, 927 F.2d 1200, 18 USPQ2d 1016 (Fed. Cir. 1991)."

The action on page 2 states "Contrary to Applicant's assertions, the use of term "about" and "approximately" in the instant application refers to the number of amino acid of SEQ ID NOs:3-76 which does render the claims indefinite. It is unclear how many amino acids constitute "about" or "approximately." One of skill in the art would not know if applicant meant

14 amino acids or as many as 70 amino acids, or even more and this is critical for the claims inventions."

Applicants strongly disagree with this characterization of their invention. Consider, for example, claim 1, which reads:

> "An isolated mammalian $p33^{QIK}$ or $p63^{Krs1}$ peptide of from 16 to about 70 amino acids in length, said peptide comprising the contiguous amino acid sequence of any one of SEQ ID NO:3 through SEQ ID NO:76, wherein said peptide specifically binds to a Krs1-NC antibody."

In this instance, it is clear that the phrase "of from 16 to about 70 amino acids in length" clearly defines the size of the claimed isolated mammalian $p33^{QIK}$ or $p63^{Krs1}$ peptide. Here, the word "about" clearly and unambiguously modifies the number "70," and is used in the conventional sense of the word, to mean "approximately."

In other words, the claimed peptide must be no shorter than 16 amino acids in length, and no larger than "about" (or "approximately") 70 amino acids in length. This language is plainly definite.

The Examiner contends that one of skill in the art would somehow be unable to determine what the phrase "about 70 amino acids in length" means. Applicant respectfully maintains his disagreement with this conclusion, as there have been no facts presented to indicate how a skilled artisan in the field of peptide chemistry or molecular biology would not understand what size a peptide of "approximately 70 amino acids in length" would be.

Even while Applicant believes that the term "about" is clear on its face, the detailed Specification of Applicant's invention nevertheless specifically illustrated the concept. Consider the following passage which describes polypeptides from position 1 to "about position 322" of SEQ ID NO:2:

> "The polypeptides of the invention also encompass those polypeptides that comprise a biologically-active $p33^{QIK}$ molecule, and preferably those polypeptides that consist essentially of, or consist of, an amino acid sequence of from about

position 1, 2 or 3 of SEQ ID NO:2 to about position 319, 320, 321, or 322 of SEQ ID NO:2. As such, polypeptides that consist essentially of, or consist of, an amino acid sequence of from position 1 of SEQ ID NO:2 to about position 322 of SEQ ID NO:2, and those peptides that consist essentially of, or consist of, an amino acid sequence of from about amino acid residue 1 to about amino acid residue 321 of SEQ ID NO:2 are considered to fall within the scope of the invention so long as the polypeptide encodes a protein having $p33^{QIK}$ activity. Such polypeptides may be deleted by one or more amino acid residues at either the amino terminus or the carboxy terminus and still contemplated to fall within the scope of the invention, so long as a measurable amount of this activity is retained by the substantially full length variant. (*e.g.*, position 1 to position 321, position 1 to position 320, position 1 to position 319, position 1 to position 318, *etc.* of SEQ ID NO:2)."

Spec. at page 14, ll 13-26

The first and last sentences of this paragraph illustrates that such a polypeptide from about position 1 to about position 322 of SEQ ID NO:2" would encompass polypeptides from "about position 1, 2 or 3 of SEQ ID NO:2 to about position 319, 320, 321, or 322" or "*e.g.*, position 1 to position 321, position 1 to position 320, *etc.*" Clearly one of skill in the art could understand that the plain use of the word "about" *i.e.* "approximately" was intended in the present specification. Thus, it is clear and definite what is meant by claim language *e.g.*, "of from 14 to about 70 amino acids in length."

Furthermore, to substantiate their argument that the use of the terms "at least" and "about" are definite and routinely used in this art, Applicant has previously pointed the Examiner's attention to the fact that such language is widespread in issued U. S. patents in the same general field as that of Applicant's. (see previous office action response). Although Applicant previously invited the Examiner in his most recent response to consider claims 1-7 and

62 of issued U.S. patent 5,853,987, claim 1 of issued U.S. patent 3,933,430, and claim 1 of issued U.S. patent 4,981,782, for guidance in this area, and evidence that the use of these terms is proper and acceptable under U.S. practice, the current action does not even address this issue. Page 2 of the Action says "Applicant's arguments, filed 11/03/03 have been fully considered, but have not been found convincing."

In U.S. Patent 5,853,987, the claims read, in pertinent part:

> "1. An isolated nucleic acid encoding a decorin binding protein, wherein said decorin binding protein comprises a contiguous amino acid sequence ***of at least about 5 amino acids*** from SEO ID NO:2.
> 2. The isolated nucleic acid of claim 1, wherein said decorin binding protein comprises a contiguous amino acid sequence ***of at least about 8 amino acids*** from SEQ ID NO:2.
> 3. The isolated nucleic acid of claim 2, wherein said decorin binding protein comprises a contiguous amino acid sequence ***of at least about 10 amino acids*** from SEQ ID NO:2.
> 4. The isolated nucleic acid of claim 3, wherein said decorin binding protein comprises a contiguous amino acid sequence ***of at least about 15 amino acids*** from SEQ ID NO:2.
> 5. The isolated nucleic acid of claim 4, wherein said decorin binding protein comprises a contiguous amino acid sequence ***of at least about 25 amino acids*** from SEQ ID NO:2.
> 6. The isolated nucleic acid of claim 5, wherein said decorin binding protein comprises a contiguous amino acid sequence ***of at least about 50 amino acids*** from SEQ ID NO:2.
> 7. The isolated nucleic acid of claim 6, wherein said decorin binding protein comprises a contiguous amino acid sequence ***of at least about 100 amino acids*** from SEQ ID NO:2." (emphasis added)

In this patent both the terms "at least" and "about" have been used to describe the approximate lengths of contiguous amino acid sequences encoded by the claimed nucleic acids. Is it now the Office's position that the claims of this issued patent are somehow indefinite?

Since the Office has produced no documentary evidence, and no relevant art to support its conclusion that, 1) despite a clearly detailed and enabling specification, and 2) further despite wide use of the allegedly indefinite claim terms in issued U.S. patent claims in the Applicant's relevant art, the terms "at least" and "about" (or approximately) are somehow indefinite, and

incomprehensible by the skilled artisan in this field, Applicant can only conclude that the Examiner is relying on some facts that must lie only within the personal knowledge of an employee of the Office. As such, pursuant to 37 C. F. R. §1.104(d)(2), Applicant hereby requests that such a conclusion "be supported by the filing on a affidavit of such employee, and that such an affidavit be subject to contradiction or explanation by the affidavits of the applicant and other persons."

In the alternative, Applicant respectfully requests that the rejection be withdrawn; and furthermore, that no such similar rejection be entered against any of the other claims in this case.

2.3 THE REJECTION OF CLAIMS 33-37 UNDER 35 U. S. C. §112, 1ST PARAGRAPH, IS MOOT.

Claims 33 to 37 remain rejected under 35 U. S. C. §112, 2nd paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor was in possession of the claimed invention when the application was filed. The Action on page 3, Item 6 says that this rejection is a "New Matter" rejection for the record set forth in the Office Action, filed on 09/30/02.

Applicant again respectfully traverses. However, in light of the fact that the rejected claims are no longer pending in the case, the rejection is now moot.

2.4 THE REJECTION OF CLAIMS 1-8, 32-37, 42-52, 64, 65, AND 67-75 UNDER 35 U. S. C. §112, 1ST PARAGRAPH, HAS BEEN OVERCOME.

Claims remain rejected under 35 U. S. C. §112, 1st paragraph, for allegedly containing subject matter which was not described in the specification in such as way as to reasonably convey to one of skill in the art that the inventor at the time the application was filed, had possession of the claimed invention. The same claims remain rejected under 35 U. S. C. §112, 1st paragraph, for allegedly containing subject matter which was not described in the

specification in such as way as to enable one of skill in the art how to make and use the invention.

Specifically, the Action at page 4 states that:

> "the specification, while being enabling for a polypeptide comprising SEQ ID NO:2, a peptide consisting of residues 1-322 of SEQ ID NO:2, and peptides consisting of SEQ ID NOs:3-76, said SEQ ID NO:2/peptides *(sic)* in a pharmaceutically acceptable excipient to be used to generate antibodies which recognize non-human p33 to diagnose the therapeutic effectiveness of cancer treatments; and wherein the immune complexes (said peptides/polypeptide—antibody) can be detected indirectly with another labeled antibody; a kit comprising said peptides," *(sic does not reasonably provide enablement for any isolated peptide/polypsptide from 14 to about 20/30/40/50/60/70 amino acids in length comprising or consisting essentially any one (sic) of SEQ ID NOS:3-76...."*

The Action at page 4 further states "Applicant's arguments, filed 11/03/03 have been fully considered, but have not been found convincing. Also, it is noted that applicant does not addressed (*sic*) the issue of how to use any peptide of p33 or any antibody which binds to p33 as a <u>therapeutic</u> (emphasis in original) treatment regimen for patients suffering from cancer set forth in the Office Action, filed on 09/30/02.

Applicant is completely perplexed by this statement, since it appears to suggest that the only way the "make and use" requirement of the statute could be met would be through the demonstration of "therapeutic treatment regimens for patients suffering from cancer." There is no foundation in the law or in court precedent to require Applicants to demonstrate every conceivable use of a given claimed composition, much less is there a requisite requirement that the specification demonstrate a particular therapeutic treatment regimen.

The field of the invention on page three of the Specification states that "the present invention relates to immunological compositions specific for mammalian $p33^{QIK}$ and $p63^{Krs1}$ peptides and polypeptides, and methods of making and using $p33^{QIK}$- and $p63^{Krs1}$-specific antibodies, and antigen binding fragments thereof in a variety of detection, diagnostic and therapeutic regimens. The invention provides new and effective methods, compositions and kits

for eliciting immune and T cell responses to $p33^{QIK}$ and $p63^{Krsl}$ peptides, polypeptides, and antigenic fragments thereof in a mammal."

Nowhere does the Specification state that the ONLY use of the polypeptide and peptide compositions of the present invention is through the treatment of cancer.

In fact, quite the contrary, the specification provides an *exhaustive and detailed teaching* from pages 5 to 17 that extensively describes particular aspects of the invention including how to make and use various polypeptides, peptides, antibodies, antigen binding fragments, epitopic peptides, and the like in a variety of diagnostic and therapeutic regiments.

Pages 9 to 20 of the Specification includes a lengthy teaching not only as to the preferred sizes of the disclosed peptides and polypeptides, but also to their preferred primary sequences, as evidenced by a 27-page sequence listing that specifies particularly preferred peptides, which, Applicant notes, have been found to be free of the prior art by the Office.

Likewise, the Specification, at pages 21-24, painstakingly details the use of the novel peptides, polypeptides, antibodies, and antigen binding fragments of the invention (as well as nucleic acid compositions that encode them) in a variety of diagnostic regimens including ELISA, immunoprecipitation, dot blotting, and such like.

Pages 36-40 of the Specification detail the use of these peptide compositions in a variety of diagnostic and therapeutic methodologies, including the production of large quantities of antibodies and antigen binding fragments specific for the disclosed peptides and polypeptide.

Pages 40-44 of the Specification detail the use of nucleic acid compositions that encode these illustrative peptides and polypeptides in a variety of recombinant methodologies, including production of large quantities of these peptides using host cells transformed with such constructs.

Pages 51-53 of the Specification detail the use of the disclosed peptide, polypeptide, antibody, antigen binding fragment, and nucleic acid compositions that encode them in a variety of diagnostic and therapeutic kits, including for example immunological detection kits and assays.

The Action at page 4 also states "contrary to Applicants assertion, the claims as written encompass the genus of peptide and polypeptide amino acid sequences. The genus encompasses peptides wherein such peptides have numerous differences in amino acid sequences."

Applicant respectfully traverses. In fact, Applicant agrees with the office that certain of the claims encompass a "genus" of peptides and polypeptide amino acid sequences. Likewise, Applicant also agrees that the claimed "genus" contains species of peptides that may have differences in their amino acid sequences. In fact, were the sequences of the peptides of all the species identical, there would in fact be no genus of claimed sequences. However, the Office's assertion that the Applicant *did not possess* a sufficient number of these peptide species at the time the application was filed to permit them to claim the genus of peptides is completely unfounded.

To the contrary, the specification provides exhaustive teaching as to not only the *structural* characteristics of the claimed genus: (1) the size of the claimed peptides and polypeptides, (2) the contiguous amino acid sequences which must be comprised within such peptides and polypeptides (*e.g.,* SEQ ID NOs:3-76), but also specific *functional* characteristics of the claimed genus: (1) that the peptides are mammalian $p33^{QIK}$ or $p63^{Krs1}$ derived peptides, and (2) that the claimed peptides are immunospecifically-reactive with the Krs1-NC antiserum which the inventor originally discovered, and characterized in the detailed description and examples provided in the specification.

Moreover, there is no requirement in the law or in court precedent that a specification disclose each and every possible species of a genus. In fact, quite the contrary is true. Only a *representative number* of species needs to be disclosed to define (and thus claim) the resulting genus.

Considering claim 1, the specification *clearly* and *unambiguously* discloses and enables an isolated mammalian $p33^{QIK}$ or $p63^{Krs1}$ peptide of from 16 to about 70 amino acids in length, wherein the peptide comprises a contiguous amino acid sequence of any one of SEQ ID NO:3 through SEQ ID NO:76, and further wherein the peptide specifically binds to a Krs1-NC antibody.

In view of the lengthy and detailed teaching of the Specification, Applicant believes that such a representative number has, in fact, been provided.

Moreover, the Applicant has defined not only structural, but functional attributes of the claimed peptide genus as well. Likewise, they have provided exhaustive teaching as to the several substantial and credible uses of these peptides, and as such, Applicant respectfully renews his position that both the enablement and written description requirements for how to make and use the disclosed peptides and polypeptides as encompassed by the pending claims are *clearly* and *unambiguously* free from any rejection under this section of the Statute, and respectfully requests that the outstanding rejection be withdrawn.

2.5 EXAMINER INTERVIEW AND ALLOWABLE SUBJECT MATTER

Applicant appreciates the time set aside by the Examiner to meet with Applicant's undersigned representative in the Office on July 14, 2004, to discuss various issues concerning this case, and to discuss allowable subject matter. Applicant's undersigned representative greatly appreciates the helpful suggestions by the Examiner to offer particular clarity to certain of the claim language which would advance particular aspects of the case to allowance. Mindful of patent term and in view of Applicant's small-entity status, the Examiner's indication that the subject matter of claims 9, 12, 42-52, 61-63, and by inference, the newly added claims which depend from those claims (*e.g.,* 76-78) would be allowable, is greatly appreciated.

Applicants reserve the right to continue prosecuting the remaining claims of broader scope in a continuing application, and claims to previously withdrawn restriction groups in suitable divisional applications in due course.

2.6 CONCLUSION

In conclusion, in light of the foregoing remarks, Applicant believes that the concerns set forth in the Action have now been overcome and that all pending claims are in condition for immediate allowance. Such favorable action is respectfully requested. Should the Examiner have any questions concerning the accompanying amendment, response and related papers, a telephone call to Applicant's undersigned representative would be greatly appreciated.

Respectfully submitted,

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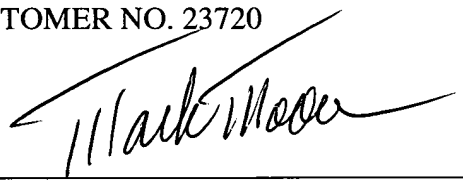

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